

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

MOMENTIVE PERFORMANCE
MATERIALS USA INC.,

Plaintiff,

v.

ASTROCOSMOS METALLURGICAL, INC.,
LE CARBONE LORRAINE S.A. and ABC
CORPORATION(S) 1 through 10,

Defendants.

Civil Case No. 07-cv-567 (FJS)(DRH)

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
OF DEFENDANT CARBONNE
LORRAINE S.A.**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 41(a)(1)(i) Plaintiff Momentive Performance Materials USA Inc. hereby voluntarily dismisses without prejudice Defendant Carbonne Lorraine S.A. This Notice is filed before service of an answer or motion for summary judgment by Defendant Carbonne Lorraine S.A.

Dated: September 20, 2007

PODVEY, MEANOR, CATENACCI,
HILDNER, COCOZIELLO & CHATTMAN
A Professional Corporation

By: /s/ J. Barry Cocozziello

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